

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO SALES TAX FINANCING
CORPORATION,

Debtor.

PROMESA

Title III

No. 17 BK 3284-LTS

**URGENT MOTION FOR LEAVE TO RELY ON
CASE LAW IN SPANISH LANGUAGE AND FOR AN EXTENSION OF
TIME TO SUBMIT THE CORRESPONDING CERTIFIED ENGLISH TRANSLATION**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Sales Tax Financing Corporation (“COFINA” or the “Debtor”), as a debtor in the above-captioned Title III case, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),¹ respectfully submits this urgent motion (the “Urgent Motion”), for leave to rely

¹ PROMESA is codified at 48 U.S.C. §§ 2101-2241.

on one case in the Spanish language and for a time period of five (5) days to file the corresponding certified English translation in the *Omnibus Reply of Puerto Rico Sales Tax Financing Corporation to Objections to Second Amended Title III Plan of Adjustment* [Case No. 17-3284, ECF No. 443] (the “Omnibus Reply”). In further support of this Urgent Motion, the Debtor respectfully represents as follows:

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to PROMESA § 306(a).

2. Venue is proper pursuant to PROMESA § 307(a).

Background

3. On November 30, 2018, the Debtor filed the *Second Amended Title III Plan of Adjustment of Puerto Rico Sales Tax Financing Corporation* [Case No. 17-3284, ECF No. 380] (the “Second Amended Plan”). Ten objections were interposed to the Second Amended Plan.

4. On January 9, 2019, the Debtor filed the Omnibus Reply to the objections, which attached a certified English translation of the cited portions of the Regulations of the Puerto Rico House of Representatives.

5. However, one of the two cited Puerto Rico Supreme Court opinions in the Omnibus Reply, namely *Noriega Rodríguez v. Hon. Jarabo*, 136 D.P.R. 497, 520 (1994) (the “Supporting Case”), does not have a certified English translation, and more time is required before one can be created.

Relief Requested

6. Rule 5(g) of the Local Rules for the District of Puerto Rico provides that “[a]ll documents not in the English language which are presented or filed, whether as evidence or

otherwise, must be accompanied by a certified translation into English prepared by an interpreter certified by the Administrative Office of the United States Courts.”

7. The Debtor was unable to procure a certified English translation of the Supporting Case prior to the filing deadline of the Omnibus Reply. Accordingly, the Debtor requests leave from this Court to rely on the Supporting Case in its original Spanish language, and to subsequently submit a certified translations within the next five (5) days.

8. The Debtor hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

9. No prior request for the relief sought in this Urgent Motion has been made to this or any other court.

[Remainder of page intentionally left blank]

WHEREFORE the Debtor respectfully requests the Court to enter the Proposed Order attached hereto as **Exhibit A**, granting the Debtor the relief requested herein and all other relief as is just and proper.

Dated: January 9, 2019
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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Debtor*

Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
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Title III

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PUERTO RICO SALES TAX FINANCING
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PROMESA

Title III

No. 17 BK 3284-LTS

**ORDER APPROVING URGENT MOTION FOR LEAVE TO RELY
ON CASE LAW IN SPANISH LANGUAGE AND FOR AN EXTENSION OF
TIME TO SUBMIT THE CORRESPONDING CERTIFIED ENGLISH TRANSLATION**

Upon the *Urgent Motion for Leave to Rely on Case Law in Spanish Language and for an Extension of Time to Submit the Corresponding Certified English Translation* (the “Urgent Motion”);² and the Court having found it has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA; and it appearing that venue in this district is proper pursuant to section 307(a) of PROMESA; and the Court having found that the Oversight Board provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other

² Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.

or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found that good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED THAT:

1. The Urgent Motion is GRANTED as set forth herein.
2. The Debtor's Omnibus Reply may rely on the Supporting Case in its original Spanish language, and the Oversight Board shall subsequently file a certified translation of the Supporting Case within five (5) days.
3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: January _____, 2019

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT COURT JUDGE